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NOTICE

The undermentioned *Gazettes of India Extraordinary* were published upto the 13th January, 1960.

Sl. No.	No. and date	Issued by	Subject
11-A.	No 14 ITC(PN)/60, dated 23th January, 1960.	Ministry of Commerce and Industry	Import of Machinery and Machine Tools under U.S. Export Import Bank Programme.
12.	No. 20-PrCs./60, dated 26th January, 1960.	President's Secretariat	The President's awards
13.	No. 13-Pres./60, dated 26th January, 1960.	Do.	The President instituting a Naga Hills Clasp to be worn with the General Service Medal—1947.
	No. 14-Pres./60, dated 26th January, 1960.	Do.	The President instituting a medal for the Armed Forces for the recognition of non-operational service under conditions of hardship etc.
	No. 15-Pres./60, dated 26th January, 1960.	Do.	The President instituting a medal for the recognition of service rendered by the Armed Forces outside the territories of India
	No. 16-Pres./60, dated 26th January, 1960.	Do.	The President instituting a medal with a view to recognising such individual acts of exceptional devotion to duty or courage as have special significance for the Army.
	No. 17-PrCs./60, dated 26th January, 1960.	Do.	The President instituting a medal with a view to recognising such individual acts of exceptional devotion to duty or courage as have special significance for the Navy.
	No. 18-PrCs./60, dated 26th January, 1960.	Do.	The President instituting a medal with a view to recognising such individual acts of exceptional devotion to duty or courage as have special significance for the Air Force.
	No. 19-Pres./60, dated 26th January, 1960.	Do.	The President instituting a medal to recognise distinguished service rendered by personnel of the Armed Forces.
14.	No. 15-ITC(PN)/60, dated 28th January, 1960.	Ministry of Commerce and Industry	Import Policy for 'Cyanocobalamine (Vitamin B 12) excluding preparations thereof'—October 1959—March 1960 period.

Copies of the *Gazettes Extraordinary* mentioned above will be supplied on Indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these *Gazettes*.

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PART I—Section 1

Notifications relating to Non-Statutory Rules, Regulations and Orders and Resolutions issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Supreme Court

PRESIDENT'S SECRETARIAT

New Delhi, the 27th January 1960

No. 21-Pres./60.—The President is pleased to award the Police Medal for gallantry to the undermentioned officer of the Orissa Police:—

Name of the Officer and Rank.

Shri Braja Behari Jena, Constable No. 94, Bolangir District, Orissa.

Statement of Services for which the decoration has been awarded.

On the afternoon of the 27th March, 1959 a fire broke out in a house in Burda village, Bolangir District, and, fanned by a strong wind, spread rapidly to other houses in the village. News of the fire reached Loisingha Police Station a mile away, from where a party consisting of two Police officers, two Constables, ten Chowkidars and some local officials and businessmen hurried to Burda. When they arrived several houses were ablaze. In one of them well inside the village three women were trapped in a closed room. The relatives of the women and others stood by helplessly. When all hope of rescuing them seemed lost, Constable Braja Behari Jena dashed through the blazing fire towards the house. The other Constable encouraged by his brave example followed and assisted him in bringing the three women to safety.

Meanwhile, it was learnt that there were three women in another house about a hundred yards within the heart of the conflagration. Constable Braja Behari Jena once more ran the gauntlet of the flames and, on unchaining the door of the house, found the three women lying senseless. He first carried to safety one of the women who was with child, and returned to rescue a second. He entered the blazing village again to bring out the third woman which he did with the assistance of two members of the Sonapur Fire Brigade which had meantime arrived. The three women were removed to Loisingha Hospital and subsequently recovered from their ordeal.

In saving these six persons from almost certain death Constable Braja Behari Jena showed great courage and devotion to duty of a high order at grave risk to his own life.

2. This award is made for gallantry under rule 4(i) of the rules governing the award of the Police Medal and consequently carries with it the special allowance admissible to officers of and below the rank of Inspector of Police as provided in rule 5.

A. V. PAI, Secy.

MINISTRY OF COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Community Development)

RESOLUTION

New Delhi, the 18th January 1960

No. 8(VI)/Bd/59.—In the Second Five Year Plan it has been envisaged that during 1951–61 urban population would increase by 33 per cent, a rate of urbanisation somewhat higher than the decade 1931–41. The Foodgrains Enquiry Committee headed by Shri Asoka Mehta also observed that in recent years the urban population in India has increased at an annual rate more than twice as large as that shown by the total population. Having regard to this rising trend in urban population, creation of new centres of small scale industrial production closely coordinated with rural development is fundamental to national development, for in no other way can the present occupational imbalance between agriculture and industry, between village and town, be corrected. With the development of power resources and communications and the growth of small scale industries, the scope for establishing Rural-cum-Urban Township at the Block Headquarters has steadily increased. About 600 blocks would be entering Stage III during the Third Plan Period of which 100 block headquarters may be taken up for further development as rural-cum-urban Townships.

2. The Government of India have, therefore, decided to set up a Study team for the purpose of touring some selected Block Headquarters in order to examine the various facets of the problem and to formulate a scheme for rural-cum-urban projects on an agro-industrial base.

3. The Study Team will consist of the following:—

Chairman

- (1) Shri B. Mukherjee, I.C.S.—Joint Secy., Ministry of Community Development & Cooperation.

Members

- (2) Dr. D. K. Malhotra—Member Secretary, Research Programme Committee, Planning Commission.
 (3) Shri M. S. Bhatia—Housing Adviser, Ministry of Works, Housing & Supply.
 (4) Prof. V. L. D'Souza—Economist, Central Regional and Urban Planning Organisation, Ministry of Health.
 (5) Shri J. N. Tewari—Joint Director, Programme Evaluation Organisation, Planning Commission.
 (6) Shri R. V. Ramiah—Director (Industries Development), Ministry of Commerce & Industry.

4. The terms of reference of the Study team will be as follows:—

- (1) To examine the trend of growth of population in a few selected Block Headquarters.
 (2) To examine the precise nature of the requirements in terms of the objective developments which have taken place and the different ways in which these might be approached.
 (3) To frame a type scheme to be taken up in the proposed Urban-cum-rural units for generating additional employment opportunities on an Agro-industrial base.

5. The Study team will submit its report within three months from the date of its formation.

Ordered that a copy of this Resolution be communicated to all concerned.

Ordered also that this Resolution be published in the Gazette of India for general information.

B. R. TANDAN, Secy.

MINISTRY OF STEEL, MINES AND FUEL

(Department of Iron and Steel)

RESOLUTION

New Delhi, the 29th January 1960

No. PLAN.1(16)/59.—The Government of India have decided that a representative of the Planning Commission will also be a member of the Committee set up in Resolution No. Plan.1(16)/59 dated the 28th December, 1959.

ORDER

Ordered that a copy of this Resolution be communicated to all concerned and that it be published in the Gazette of India.

K. S. RAGHUPATHI, Dy. Secy.

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 29th January 1960

No. 44-SSI(B)(3)/59.—In pursuance of bye-law 26(a) of the Registered Bye-laws of the Women's Industrial Co-operative Society Ltd. (Registered) Duravaninagar, Bangalore the Government of India hereby appoints for a period of one year the Managing Committee of the said Society and directs that it shall consist of the following members:—

- Smt. Sudha V. Reddy, Chairman, State Social Welfare Advisory Board, 'Geetha' Shankar Mutt Road, Bangalore-4.
- Smt. Indira V. Shenoi, Vice-Chairman, State Social Welfare Advisory Board "Geetha" Shankar Mutt Road, Bangalore-4.
- Smt. Bharathi Bai, Member, State Social Welfare Advisory Board, Bangalore C/o, Shri K. V. Rao, Executive Engineer, 3rd Block, Jayanagar, "Sri Krishna" Bangalore-11.
- Smt. M. R. Lakshmma, Member, State Social Welfare Advisory Board M.L.C., No. 7, N.R. Colony, Basavangudi, Bangalore-4.
- Shri T. N. Tivary, Production Manager, I.T.I. Ltd., Durvaninagar, Bangalore South.

- Shri C. R. Dutta Gupta, Industrial Engineer, ITI Ltd., Durvaninagar, Bangalore South.
- The Director, S.I.S.I Mysore, Bangalore or his representative.
- The Director of Industries, Mysore State or his representative.
- The Registrar of Coop. Societies, Bangalore or his representative.

T. S. SESHUKUTTY, Under Secy.

RESOLUTION

New Delhi, the 1st February 1960

No. 1(48)-TEX(A)/59.—The Government of India have decided to appoint Sarvashree Mohanlal L. Shah, Mohini Mills, Calcutta and Bharat Ram, Delhi Cloth & General Mills Co. Ltd., Delhi as non-official members of the Cotton Textile Consultative Board Constituted under the Ministry of Commerce and Industry Resolution No. 22(66)-TEX(A)/57, published in the Gazette of India Extraordinary on the 1st October, 1958 *vice* Sarvashree Piarelal Seksaria and J. K. Srivastava, resigned.

ORDER

Ordered that a copy of this Resolution be communicated to all State Governments, all Chief Commissioners, all Ministers of the Government of India, Prime Minister's Secretariat, the Private and Military Secretaries to the President, the Planning Commission, the Central Board of Revenue and the Comptroller and Auditor General of India.

Ordered that it be published in the Gazette of India.

C. S. RAMACHANDRAN, Jt. Secy.

MINISTRY OF EDUCATION

New Delhi, the 28th January 1960

No. 6/80/59-A.10.—In continuation of the Ministry of Education Notification No. F.6-80/59-A.10, dated the 17th December, 1959, Mr. Et. Sabbe, Archiviste General du Royaume, Brussels, is appointed as Corresponding Member (Outside India) of the Indian Historical Records Commission.

2. His term of appointment will expire on 31st March, 1962.

R. L. ANAND, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS

(Department of Communications and Civil Aviation)
(Posts & Telegraphs)

New Delhi, the 28th January 1960

No. 35/10/59-CI.—The Central Government is pleased to declare the following Post Office holidays to be observed during the year 1960 in addition to Sundays:

- Republic Day, 26th January 1960, Tuesday.
- Id-ul-Fitr, 29th March 1960, Tuesday.
- Ram Navmi, 5th April 1960, Tuesday.
- Good Friday, 15th April 1960, Friday.
- Good Friday, 15th April 1960, Friday.
- Independence Day, 15th August 1960, Monday.
- Dussehra, 30th September 1960, Friday.
- Diwali, 20th October 1960, Thursday.
- Guru Nanak's Birthday, 3rd November 1960, Thursday.

2. The following post offices holidays will be observed only by the post offices situated in the Circle(s) noted against each such holiday:—

- Pongal, 14th January 1960, Thursday (Madras & Andhra).
- Shri Panchami, 1st February 1960, Monday (Bengal & Bihar).
- Shivratri, 25th February 1960, Thursday (Assam, Punjab, Delhi, Bombay, Hyderabad, Rajasthan, Orissa & U.P.).
- Telugu New Year's Day, 28th March 1960, Monday (Andhra).
- Mahabir Jayanti, 9th April 1960, Saturday (Rajasthan).
- Baishakhi, 13th April 1960, Wednesday (Punjab & Delhi).
- Bohag Bihu, 14th April 1960, Thursday (Assam).
- Rakshabandhan, 6th August 1960, Saturday (Central & U.P.).
- Ganesh Chaturthi, 26th August 1960, Friday (Bombay, Hyderabad & Central).

- (x) Onam, 3rd September 1960, Saturday (Madras).
- (xi) Mahalaya, 20th September 1960, Tuesday (Bengal).
- (xii) Chhat, 25th October 1960, Tuesday (Bihar).

NOTE (1).—The Indian Embassy Post Office, Khatmandu (Nepal) will observe Saturdays as weekly post office holiday in lieu of Sundays.

(2) The Indian Embassy Post Office, Khatmandu (Nepal) will observe the following three holidays as post office holidays in lieu of the three muslim holidays. The dates of observance of these holidays will be the same as those notified by the Government of Nepal.

- (i) Dethan Ekadasi,
- (ii) Birthday of I.L.M. the King of Nepal; and
- (iii) Democracy Anniversary Day of Nepal.

(3) The telegraph branch of combined offices will observe the holidays which are declared as telegraph holidays.

(4) No separate holiday is being granted in respect of the Mahatma Gandhi's Birthday, Christmas Day, Janam Ashtmi, Holi and Miladun-Nabi, and the lieu holiday Rath Jatra in the case of Orissa Circle which fall on Sundays.

K. K. SARAN,

Secy., Posts & Telegraphs Board.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 28th January 1960

No. 10(143)/58-LR.II.—The following decision of Shri F. Jeejeebhoy, Industrial Tribunal, Bombay, in respect of a matter referred to him under section 6 of the Industrial Disputes (Banking Companies) Decision Act, 1955, by the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 2292 dated the 7th October, 1959, is hereby published for general information.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

REFERENCE (CGIT) No. 25 OF 1959

In the matter of

Nedungadi Bank Ltd., Kozhikode.

AND

their workmen.

PRESENT

Shri F. Jeejeebhoy, Presiding Officer.

APPEARANCES:

For the Bank:

Shri A. S. Asayekar, Advocate.

Shri N. P. Vellody.

For the Union:

Shri K. K. Mundal, Vice-President of the All India Bank Employees Association.

Shri G. N. Trikannad, Asstt. Secretary, All India Bank Employees Association.

AWARD

By its Order of 17th October 1959 the Government of India in the Ministry of Labour & Employment has referred to this Tribunal a point of difficulty or doubt which in the opinion of the Central Government has arisen as to the interpretation of paragraph 64 and 152 of the Award of the All India Industrial Tribunal (Bank Disputes), Bombay, in respect of the following matter specified in the Schedule to the Reference, namely:

"Whether the increased dearness allowance payable to the employees of the Nedungadi Bank Ltd., consequent on its upgrading from 'D' Class to 'C' Class, should be further enhanced to allow for the rise of cost of living index during the half year ended 31st December 1959."

2. The Nedungadi Bank Limited of Calicut which was a 'D' class Bank was upgraded to 'C' class with effect from 1st January 1958. It is a bank in area II. The clerk in a 'D' class bank gets as minimum dearness allowance Rs. 30/- and a clerk in a 'C' class bank gets Rs. 45/- as minimum dearness allowance. Similarly in the case of the subordinate staff the minimum dearness allowance if in a class 'D' bank is Rs. 25/- in area II, and it is Rs. 35/- in the same area in a 'C' class bank.

3. Paragraph 64 of the Sastry Award clearly contemplates upgrading as well as down-grading of banks. It provides that the change-over from one group to another should not adversely affect the total emoluments of the existing employees drawn by them on the date of the change-over. But this obviously has reference to a case of down-grading.

4. Upon upgrading of this Bank from class D to class C the bank gave the employees the requisite rise in pay and raised the dearness allowance to the minimum dearness allowance of class 'C' banks. It so happened that in the previous six months, namely, from 1st July 1957 to 31st December 1957 the average all-India cost of living index had risen by more than 10 points, and that being so an increased dearness allowance of 1/7th to the clerical staff and of 1/10th to the subordinate staff became payable to all employees. The bank however did not give such increases to its employees who had emerged from class D status to class C status, and did not give them even the rises which would have been given if they had remained in class D.

5. It has been the case of the Bank that the increase in dearness as given by the Bank Award Commission at paragraph 105 of its Report was intended to be a compensation for the rise in the cost of living of the preceding six months, and even if that was payable to the employees of this Bank, it had been merged in the rise of dearness allowance in consequence of the upgrading from Rs. 25 to Rs. 35 for the subordinate staff and from Rs. 30 to Rs. 45 in the case of the clerks. They contend that the mere fact of upgrading had given a substantial rise in dearness allowance, and that no further rise was contemplated. Counsel for the bank maintained that a new comer would not be entitled to any adjustment as to the dearness allowance by reason of paragraph 105 of the Bank Award Commission's Report.

6. In my opinion the contentions of the Bank are erroneous. The Bank Award was striving at uniformity in wages, and in order to achieve that uniformity the banks were divided into different classes and even into different regions with particular emoluments. Thus every employee of a bank of a particular category in a particular region and in the same class of Bank would get exactly the same emoluments. If the contentions of this bank, urged before me today, are to be accepted, then that scheme of uniformity would be disturbed. The formula given by the Bank Award Commission is in following terms:

Clerical staff:

If the average all-India cost of living index for the half year ending June or December of any year should rise or fall by more than 10 points as compared to 144 (1944-100), the dearness allowance for the succeeding half year will be raised or lowered by one-seventh of the dearness allowance admissible at the index level of 144 for each variation of 10 points.

Subordinate staff:

If the average all-India cost of living index for the half year ending June or December of any year should rise or fall by more than 10 points as compared to 144 (1944-100), the dearness allowance for the succeeding half year will be raised or lowered by one-tenth of the dearness allowance admissible at the index level of 144 for each variation of 10 points.

I would like to add in this connection that I consulted both bankers and employees in regard to the two formula for adjustment of dearness allowance which I have just recommended. Employees, on the whole agreed with my formulae, whilst there appeared to be a difference of opinion amongst bankers on this point."

7. I am unable to accept the contention of the bank that any rise given as a result of the Bank Award Commission's formula (which practically followed the lines of the Labour Appellate Tribunal formula) was intended to compensate the clerks and the subordinate staff for any rise in the cost of living of the previous six months or was intended to reimburse the banks for any loss arising out of a lower cost of living of the previous six months. There is nothing in the award to indicate that the rise or fall as contemplated by the Bank Award Commission was intended to be by way of compensation for what had gone before. It was in fact intended to be a scheme of dearness allowance for the ensuing six months. The fact of the matter is that the Sastry Tribunal, the Labour Appellate Tribunal, as well as the Bank Award Commission, were all striving to give a suitable formula to meet the increases in the cost of living and also to provide for certain relief to the employers when the cost of living dropped. In the case of the textile industry of Bombay and of Ahmedabad there was not much difficulty in adjusting the wages according to the rises and falls in the cost of living because the cost of living figures as compiled by the Government of Bombay were available every month. The Emoluments of employees of banks, however, were dealt with on an all-India basis; and after an examination of various alternatives it was felt that the cost of living index as compiled by the Central Government, while having its drawbacks, was nevertheless a cost compilation which could be suitably utilised for the purpose of adjusting

the dearness allowance. Thus it was that a formula was given based upon the Central Government's index, firstly by the Tribunal, secondly slightly amended by the Labour Appellate Tribunal, and thirdly, adopted by the Bank Award Commission with some variation. It was a scheme which could be conveniently adopted, but there was no intention thereby to compensate for any losses or gains of the previous six months. It was considered a good *ad hoc* formula to meet the various contingencies arising from the rises or drops in the cost of living index of Bank employees all over India.

8. If what the bank contends is accepted, then the immediate effect of the bank's refusal to give an increase according to the Bank Award Commission formula, in addition to the dearness allowance of Rs. 35 for the subordinate staff and Rs. 45 to the clerical staff, would be to place these two categories of this upgraded bank at a permanent disadvantage in relation to similar employees of other class C Banks in area II. This disadvantage might become accentuated if the fall in the cost of living follows a certain pattern.

9. In my opinion the employees of this bank, upgraded from D to C class, are entitled to the same basic wages and dearness allowance as any similar employee of a class C bank in area II. On upgrading of the Bank from class D to Class C, the employee of the such Bank is entitled to ask for the same dearness allowance in terms of money as is allowable to a similar employee in a bank which has been classed C from its very inception. In my opinion to refuse this claim is to ignore the underlying principle of the award and the intention of the Bank Award Commission. If it was intended that the dearness allowance would apply differently to a person who came into a higher class as a

result of upgrading, then the award would have clearly said so, and there is nothing in the award to indicate that any differentiation was intended in the matter of emoluments between the employee of a Bank which had been upgraded and the employee of a similar bank which had received the same grading from the commencement of the award.

10. This question before me is a matter of interpretation, and I answer the Reference in the following terms:

The employees of the Nedungadi Bank Ltd., Calicut, upon its upgrading from class D to class C, are entitled at all times to the same basic wages and dearness allowance as are payable to the employees of a 'C' class Bank in area II which had been graded as 'C' class from the very inception of the award. This means that they will be entitled to the increased dearness allowance which has been paid to every employee of a class C Bank in area II on account of the rise in the cost of living index during the half year ended 31st December 1959 in accordance with paragraph 105 of the Bank Award Commissions Report; and this will be in addition to the increase in dearness allowance from Rs. 25 to Rs. 35 for the subordinate staff and from 30 to 45 for the clerical staff.

11. I give my decision accordingly.

F. JEEJEBHOY,
Dated the 14th Day of January, 1960. Presiding Officer,
Central Govt. Industrial Tribunal at Bombay.

S. N. TULSIANI Under Secy.

